

REPS. STARK AND LATOURETTE INTRODUCE LEGISLATION TO LIMIT USE OF MANDATORY OVERTIME FOR NURSES

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Bill would protect patient care and help stem the exodus of nurses from the profession

Today, Rep. Pete Stark (D-CA) and Rep. Steven LaTourette (R-OH), along with more than 20 House colleagues, introduced the Safe Nursing and Patient Care Act of 2001. Senators Kennedy (D-MA) and Kerry (D-MA) will introduce companion legislation in the Senate. The legislation will protect quality patient care and stem the growing shortage of nurses across our country by strictly limiting the use of mandatory overtime for nurses. The legislation is endorsed by all of the major organizations representing nurses including: the ANA, SEIU, AFSCME, AFT, AFGE, UAW and AFL-CIO.

"We have government standards in place that regulate how many hours truck drivers, airline pilots, and others can work because of consumer safety concerns, yet we have no similar standard for nurses who are caring for us, often at the most vulnerable time in our lives," said Rep. Stark.

"This bill will give nurses the flexibility they need so they can work overtime if they feel suited to the task and also turn down overtime when they are being stretched too thin and worry they might jeopardize patient care," LaTourette said. "We don't allow truckers to drive when they're dead tired and we shouldn't force nurses to work when they're weary and exhausted. That's an irresponsible and potentially fatal way to address our nursing shortage."

Rep. Stark continued: "Mandatory overtime is dangerous for patients, plain and simple. It is also driving nurses out of the profession. These twin realities make mandatory overtime a risky short-term gamble at best. Our bill would protect patients and nurses by eliminating the freedom hospitals and other health care providers now have to utilize this unsafe practice. At the same time, we recognize that there are extreme circumstances when mandatory overtime may be required, so our bill includes an exception process to make that possible."

The Safe Nursing and Patient Care Act would allow nurses to continue to volunteer for overtime if and when they feel they can continue to provide safe, quality care. Mandatory overtime, however, would only be allowed when an official state of emergency is declared by the federal, state or local government. These limits would be part of Medicare's provider agreements. The bill would not apply to nursing homes, as there are alternative staffing and quality measures moving forward for those facilities. The bill provides HHS with new tools to enforce these standards. It would also protect nurses from discrimination by employers who continue to force them into working hours beyond what they believe safe for quality care.

The President of the American Nurses Association, Mary Foley, MS, RN, said: "ANA believes that your initiative to ban the use of mandatory overtime through Medicare provider agreements is appropriate because the abusive use of overtime contributes to poor patient care and therefore is a matter of public health safety."

SEIU President Andrew L. Stern added, "Passage of this legislation is critical if we are going to ensure quality patient care and begin to address the serious problems in our hospitals and other facilities that are driving nurses away from the profession."

"I look forward to working with my colleagues and our nation's nurses to enact legislation to protect patients and nurses. The Safe Nursing and Patient Care Act is an important component of such efforts," concluded Rep. Stark.